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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

CC Docket No. 92-297

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## COMMENTS OF GE AMERICAN COMMUNICATIONS, INC.

**GE Americom recommends that the Commission act promptly to adopt its proposal to allocate the 31.0-31.3 GHz band to LMDS on a primary, protected basis.**

As an applicant for a GSO/FSS system using Ka-band frequencies, GE Americom has a strong interest in the expedited implementation of a Ka-band spectrum plan. We have participated actively in this proceeding. In particular, our comments -- and those of other GSO/FSS applicants -- have emphasized the need

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for a minimum of 1000 MHz of usable Ka-band spectrum for GSO/FSS services.<sup>1</sup>

We have demonstrated that this amount of spectrum is essential to permit GSO/FSS operators to provide advanced broadband satellite applications.

Unfortunately, the Commission's attempts to accommodate the stated spectrum demands of NGSO/FSS, MSS feeder links, and LMDS in addition to GSO/FSS requirements led to a logjam. In particular, the Commission's band segmentation proposal came under attack because it required LMDS operations to share with MSS feeder links. Proponents of LMDS and MSS systems concluded that sharing was feasible only if LMDS operations were restricted to hub-to-subscriber transmissions. *See Notice* at ¶ 98. The resulting impasse harmed all prospective users of Ka-band spectrum by substantially delaying adoption of a band plan.

GE Americom strongly supports the Commission's proposal to designate the 31.0-31.3 GHz band for LMDS use. *Notice* at ¶ 95. This proposal permits the Commission to implement a spectrum segmentation plan based on its original approach. That plan, adopted in the *Report and Order* accompanying the *Notice*, reasonably accommodates the spectrum needs of multiple services in the 28 GHz band. In particular, it meets the minimum requirements of GSO/FSS by allocating 1000 MHz of spectrum to that service on a primary basis. *Id.* at ¶ 57.

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<sup>1</sup> See, e.g., GE Americom Comments at 5-6; Orion Comments at 2-3; NASA Comments at 5-7 (filed Sept. 7, 1995); GE Americom Reply Comments at 2-4 (filed October 10, 1995).

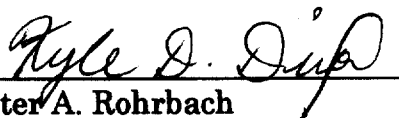
GE Americom also supports the Commission's proposal that incumbent licensees operating in the 31 GHz band be required to remedy any interference to and accept any interference from LMDS systems. As the Commission notes, these incumbent licensees have chosen to operate in the 31 GHz band on an unprotected basis. *Notice* at ¶ 102. Thus, they have assumed the risks of receiving interference from other users of that band. We agree with the Commission that any operations deemed critical or worthy of interference protection should be operated in a frequency band in which they can be afforded such protection. Accordingly, if it proves technically infeasible for current systems operating in the 31.0-31.3 GHz band to co-exist with LMDS operations, those systems should be required to terminate operations or move to another band.

For the foregoing reasons, GE Americom urges the Commission to adopt its proposal to designate the 31.0-31.3 GHz band for LMDS use on a primary protected basis.

Respectfully submitted,

GE AMERICAN COMMUNICATIONS, INC.

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August 12, 1996

## **CERTIFICATE OF SERVICE**

I, Kathy Bates, a legal secretary with the law firm of Hogan & Hartson L.L.P., hereby certify that on this 12th day of August, 1996, a copy of the foregoing "Comments of GE American Communications, Inc." were hand delivered to the parties listed below:

  
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